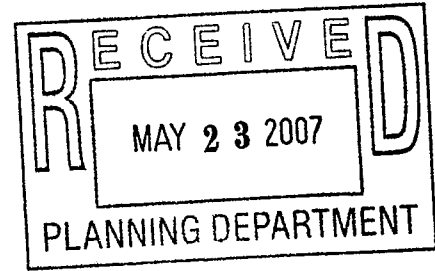




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May 23, 2007



Via Hand Delivery

Ms. Melanie Wellman, Project Manager
Loudoun County Department of Planning
One Harrison Street, S.E., Third Floor
Leesburg, VA 20177

Re: Dulles Trade Center ZMOD 2005-0008 – Referral Response Letter

Dear Ms. Wellman:

This letter addresses and provides you with a written response to the referral agency comments in the above referenced application. For your convenience, each of the staff comments are stated below and the Applicants responses follow in bold italics.

**LOUDOUN COUNTY DEPARTMENT OF BUILDING & DEVELOPMENT – ZONING
ADMINISTRATION (ADRIENNE FREED, 1/3/2006)**

Zoning Administration staff has reviewed the above referenced zoning modification application for compliance with the requirements of the Revised 1993 Loudoun County Zoning Ordinance (“Ordinance”).

The applicant is requesting modifications of Sections 4-605(B)(2) and 5-1405(A). The modification of Section 4-605(B)(2) is to allow buildings, outdoor storage, areas for the collection of refuse and loading areas to be located as close as fifty feet to the property line, and to allow areas for parking to be located as close as twenty-five feet to the property line. The modification of Section 5-1405(A) is to eliminate the buffer and screening requirement where the subject parcels abut open space for Loudoun Valley Estates.

The following issues have been identified and must be addressed in order for the application to be in conformance with the requirements of the Ordinance.

A. CRITICAL ISSUES

No critical issues have been identified with this application.

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B. OTHER ISSUES

- Section 5-1409(E) – The applicant uses this section of the Ordinance as part of their justification for obtaining a modification of Section 5-1405. This Section, however, indicates that a modification of the requirement is not necessary. Section 5-1409(E) allows for administrative waivers and modifications of the buffer requirements if a parcel is adjacent to a natural area of at least 300 feet. The Loudoun Valley Estates eased open space meets this requirement. Additionally, the sample landscape buffer on Sheet 2 of the submitted plan shows that the applicant still intends to provide landscaping along the property line in the form of a modified Type 4 Buffer Yard. Lot 18 in Dulles Trade Center II (a parcel that is subject to this application) has already received a waiver for a portion of the buffer requirement. This shows that legislative action to obtain a modification of the Ordinance is not necessary, and administrative modifications/waivers are the proper remedy.

Applicant Response:

A modification of Section 5-1405 is no longer requested as part of this zoning modification application. The applicants will provide a row of evergreen trees and/or an opaque fence along the property line facing Loudoun Valley Estates eased open space and will likely pursue an administrative modification/waiver of the buffer yard per Section 5-1409(E).

- An Ordinance modification was approved with ZMAP-2003-0001 to change the required yard between residential within the PD-CC-CC portion of Dulles Trade Center IV. The modification allowed a 60' building setback and a 40' parking setback. Staff notes that the applicant is not requesting to maintain a consistent parking/building setback throughout the development. Staff also notes that with the original modification, an increase in the buffering requirements was provided in order to offset the impact of the reduced setback.

Applicant Response:

To offset the potential visual impact associated with the proposed industrial uses, the applicants agree to provide supplemental plantings of evergreen trees and/or opaque fencing along their property boundaries that abut the Loudoun Valley Estates eased open space. Given the significant amount of forested open space between Loudoun Valley Estates and Dulles Trade Center, which is no less than 321 feet at its shortest distance, the addition of the evergreen tree plantings and/or opaque fencing provided by the applicants will serve as a more meaningful sight buffer than conformance with a previously approved setback reduction in Dulles Trade Center IV. The applicants would be willing to discuss additional buffering techniques with Staff if the proposed evergreen plantings and/or opaque fencing is deemed insufficient.

*above + beyond.
why Type 4 (evergreen) if
requesting a waiver*

- Within the third paragraph of the statement of justification, the applicant states that they are requesting modifications for the PD-GI portion of Dulles Trade Center II, and on four lots within Dulles Trade Center IV. The modifications are actually for the PD-GI portion of Dulles Trade Center IV, and four lots within Dulles Trade Center II.

Applicant Response:

The statement of justification has been revised to address the lots that will be included in the zoning modification application.

- On Sheet 1, within the Note 4, add that the development will be in conformance with ZMAP-86-12, Broad Run Industrial Park. Additionally, remove reference to SPEX-2003-0026, as it only applies to the PD-CC-CC portion of Dulles Trade Center IV, which is not subject to this application.

Applicant Response:

Note 4 has been revised to address the removal of the reference to SPEX 2003-0026 and ZMAP-86-12, Broad Run Industrial Park is now listed in the associated plans table.

- Sheet 2 of the submitted plan shows a property line running through the center of Dulles Trade Center IV. Currently, all of Dulles Trade Center IV is one parcel. Remove the line.

Applicant Response:

Dulles Trade Center IV has since been subdivided and the revised plat now shows the correct subdivision.

- Sheet 1, within the Zoning Tabulation, shows that Land Bays 3 and 4 of Dulles Trade Center IV will be subject to this application. Land Bay 3 does not abut Loudoun Valley Estates, and is not subject to the residential required yard. It appears that the application only needs to apply to Land Bay 4 of Dulles Trade Center IV. Update application accordingly.

Applicant Response:

The application has been updated accordingly.

- Sheet 1 provides a Zoning Tabulation for all of Dulles Trade Center II. The application is only applicable to Lots 18, 19, 20 & 21. Please update.

Applicant Response:

The Zoning Tabulation has been revised to correctly address Lots 20 and 21 of Dulles Trade Center II and Lot 4 of Dulles Trade Center IV.

- On Sheet 1, within the Zoning Tabulation, please remove the “use” category from the list. Additionally, consider combining the tabulations for Land Bay 4 of Dulles Trade Center IV and Lots 18, 19, 20 & 21 of Dulles Trade Center II due to the fact that all parcels are subject to the same PD-GI requirements.

Applicant Response:

The “use” category has been removed from the list on Sheet 1. The tabulations for Lot 4 of Dulles Trade Center IV and Lots 20 and 21 of Dulles Trade Center II have been combined.

- The vicinity map shows all of Dulles Trade Center IV being subject to the application. Please update to show only the areas that will be subject to the application.

Applicant Response:

The vicinity map has been revised to show the correct lot of Dulles Trade Center IV that is subject to the proposed zoning modification.

- The applicant has not provided any evidence (such as pictures) to show that the adjacent open space is wooded, as claimed.

Applicant Response:

The applicants are now providing visual evidence of the adjacent wooded open space by including pictures on Sheet 3 of the plans and, if requested, will provide additional visual evidence of the adjacent wooded open space.

COUNTY OF LOUDOUN, DEPARTMENT OF PLANNING (PAT GIGLIO, 12/19/2005)

BACKGROUND

Dulles Trade Center II, LP, the applicant, is requesting a Zoning Ordinance Modification (ZMOD) for the Planned Development- General Industrial (PD-GI) portions of Dulles Trade Center II and for four lots within Dulles Trade Center IV to reduce the building and parking setback requirements, as well as buffer yard requirements to the adjacent residential properties located in Loudoun Valley Estates II and Loudoun Valley Estates III. The portion of Loudoun Valley Estates II which borders the northern perimeter of the subject properties is comprised mainly of major floodplain which was dedicated to the County during the rezoning of the

property in 2005, and is referenced as the Broad Run Stream Valley Park (ZMAP 2002-0011). Loudoun Valley Estates III, which borders the eastern perimeter of the subject properties, was developed by-right for residential uses. Two HOA open space parcels separate Loudoun Valley Estates III from the subject industrial properties in Dulles Trade Center II and IV. The zoning ordinance requires greater set backs and buffering between residential and industrial uses to minimize conflicts between the two dissimilar uses, the applicant is requesting a modification of these standards.

The zoning ordinance specifies that no buildings, outdoor storage, areas for collection of refuse and loading areas shall be permitted closer than 100 feet to any zoned residential district or land bay allowing residential uses and that no parking shall be permitted closer than 50 feet to any such residential uses. The application request a modification of the yard requirements to allow buildings, outdoor storage, areas for collection of refuse and loading areas to be located as close as 50 feet to the property line, and to allow areas for parking to be located as close as 25 feet to the property line adjacent to Loudoun Valley Estates II and Loudoun Valley Estates III. The applicant also requests an elimination of the buffer and screening requirements. It should be noted that similar building and parking setback modifications were approved for the Planned Development – Commercial Center - Community Center (PD-CC-(CC)) portion of Dulles Trade Center IV (ZMAP 2003-0001, SPEX 2003-0026, Dulles Trade Center IV) which adjoin the subject properties and Loudoun Valley Estates III. To offset the reduced setbacks additional landscape buffering was provided as a proffer condition for the Dulles Trade Center IV application.

Dulles Trade Center II and the four lots within Dulles Trade Center IV are located west of Route 606/Old Ox Road and are part of a larger mixed-use industrial park that includes Dulles Trade Center I, Dulles Trade Center III, the balance of the Dulles Trade Center IV property. The Route 606 corridor is one of the premier industrial corridors in Loudoun and Plan policies clearly intend for industrial and employment supportive uses to be developed along the corridor. The subject properties are zoned PD-GI (Planned Development- General Industry) and governed under the provisions of the Loudoun County Revised 1993 Zoning Ordinance. The subject site is located within the Airport Noise Impact Overlay District and impacted by the Ldn 60 1-mile buffer noise contours of the Washington Dulles International Airport. The property is located outside the Route 28 Highway Improvement Tax District.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The property is located in the Dulles Community in the Suburban Policy Area and is governed under the policies outlined by the Revised General Plan (the Plan) and Revised Countywide Transportation Plan (Revised CTP) as adopted July 23, 2001, as well as the Dulles North Area Management Plan (DNAMP) govern the subject site. Being the newer of the two plans, the Revised General Plan supersedes the DNAMP, where there is a policy conflict between the two plans. The DNAMP continues to apply where it provides more detailed policy direction on any issue, in conformance with the general direction of the Revised General Plan. The Revised General Plan designates this area for Industrial uses (Revised General Plan, Planned Land Use

Map, p. 7-23) and these uses are guided by the General Industrial policies of the Revised General Plan (p. 6-30 - 6-32).

ANALYSIS

The subject properties located in Dulles Trade Center II and Dulles Trade Center IV are in an area designated for planned Industrial uses by the Plan. The County envisions that land area designated for General Industrial uses will “accommodate the continued operation and expansion of major industrial uses in the County and to provide for a degree of protection of industrial uses from other land uses” (Revised General Plan, Text, p. 6-30). The County seeks to protect this land area recognizing that “General Industrial uses are predominantly labor-intensive and commercial uses. Their outdoor storage requirements, noise levels and emissions present difficult design issues and make them incompatible with residential development” (Revised General Plan, Text, p. 6-30, 6-31).

The County requires that all industrial uses provide sufficient buffering from nearby residential areas and business uses to ensure that the effects of noise, vibration, odor or other emissions do not exceed specified levels (Revised General Plan, Policy 2, p. 6-31). The applicant is requesting a zoning modification to reduce the building setback from 100 feet to 50 feet and the parking setback from 50 feet to 25 feet and to eliminate all buffer and screening requirements. A similar building setback modification of 60 feet and parking setback modification of 40 feet with additional landscape buffering to offset the reduced setbacks was approved for the PD-CC(CC) (Planned Development – Commercial Center - Community Center) portion of Dulles Trade Center IV currently under construction (ZMAP 2003-0001, SPEX 2003-0026, Dulles Trade Center IV).

The nearest residential lot located in Loudoun Valley Estates II and Loudoun Valley Estates III is more than 300 feet from the property line of Dulles Trade Center II and the four lots in Dulles Trade Center IV. The residential lots located in Loudoun Valley Estates II and Loudoun Valley Estates III are separated by either wooded HOA open space or major floodplain associated with the Broad Run Stream Valley Park from the subject properties in Dulles Trade Center. The request for a reduction in the building and parking setbacks requirements exceed those previously approved for Dulles Trade Center IV, however given that more than 300 feet of separation will exist between the future industrial uses and existing residential uses the proposed request appears reasonable.

Existing environmental features such as a riparian forest, streams, vegetated floodplain, and forested areas provide a sufficient degree of protection and separation between the future industrial uses and adjacent residential uses to justify the proposed request for a reduction in the setbacks. However, due to the fact that the existing tree cover on the subject properties in Dulles Trade Center and Loudoun Valley Estates consists of deciduous trees, the request to eliminate the buffer and screening requirements is not reasonable given the potential visual impact associated with the proposed industrial uses. Supplemental plantings of evergreens and/or fencing should be provided to better screen views of the future industrial uses from the existing

residential uses in Loudoun Valley Estates. The applicant in order to offset the reduced setbacks for the Planned Development – Commercial Center - Community Center (PD-CC-(CC)) portion of Dulles Trade Center IV (ZMAP 2003-0001, SPEX 2003-0026, Dulles Trade Center IV) which adjoins the subject properties, proffered a 20-foot buffer to include a Type 4 side yard with the required evergreen trees located on the outer edge of the buffer. A similar buffer should be provided for the subject properties.

The Plan requires that industrial uses provide an adequate degree of protection and sufficient buffering to mitigate any negative impacts potentially associated with industrial uses on other surrounding land uses (i.e. residential, business, etc.). Staff recommends that application provide a buffer consisting of evergreens and/or fencing to better screen views of the future industrial uses from the existing residential uses in Loudoun Valley Estates, similar to that provided for the Planned Development – Commercial Center - Community Center (PD-CC-(CC)) portion of Dulles Trade Center IV. The 300 feet of separation in combination with the existing natural tree cover and future supplemental landscape buffers will satisfy Plan objectives despite the reduced setbacks.

Applicant Response:

The applicants will provide a buffer consisting of evergreen trees and/or an opaque fence along their property lines abutting Loudoun Valley Estates' eased open space to better screen views of the future industrial uses from the existing residential uses in Loudoun Valley Estates. The applicant agrees that 300 feet of separation in combination with the existing natural tree cover and future supplemental landscape buffers will satisfy Plan objectives despite the reduced setbacks.

RECOMMENDATIONS

The applicant is requesting a zoning modification to reduce the building setback from 100 feet to 50 feet and the parking setback from 50 feet to 25 feet and elimination of the landscape buffer requirements. Given that more than 300 feet separate the future industrial uses from the adjacent residential uses the proposed request for a zoning modification of the setbacks appears reasonable. However, due to the fact that the existing tree cover on the subject properties in Dulles Trade Center and Loudoun Valley Estates consists of deciduous trees, the request to eliminate the buffer and screening requirements is not reasonable given the potential visual impact associated with the proposed industrial uses. Supplemental plantings of evergreens and/or fencing should be provided to better screen views of the future industrial uses from the existing residential uses in Loudoun Valley Estates. These buffers should be similar to those approved for the Planned Development – Commercial Center - Community Center (PD-CC-(CC)) portion of Dulles Trade Center IV which adjoins the subject properties. Staff supports the applicants request for a zoning modification, with the condition that a perimeter buffer consisting of evergreens is provided.

Applicant Response:

To offset the potential visual impact associated with the proposed industrial uses, the applicants agree to provide supplemental plantings of evergreen trees and/or opaque fencing along their property boundaries that abut the Loudoun Valley Estates eased open space. Given the significant amount of forested open space between Loudoun Valley Estates and Dulles Trade Center, which is no less than 321 feet at its shortest distance, the addition of the evergreen tree plantings and/or opaque fencing provided by the applicants will serve as a more meaningful sight buffer than conformance with a previously approved setback reduction in Dulles Trade Center IV. The applicants appreciate Staff's support of the zoning modification request, conditioned upon the applicant's providing a perimeter buffer consisting of evergreen trees and/or an opaque fence.

Please feel free to contact me if you have any questions or comments concerning this referral response.

Sincerely,

WALSH, COLUCCI, LUBELEY, EMRICH &
WALSH, P.C.



Michael Romeo
Land Use Planner

Enclosures

cc: Joli Lyn Gross, Esq., United Rentals, Inc.
Don Gillis, Patriot Development Corporation
Ahmed Maghrabi
J. Randall Minchew, Esq., Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.